

Report Date: February 19, 2008

United States District Court

for the

Eastern District of Washington

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

FEB 28 2008

JAMES R. LARSEN, CLERK
DEPUTY
RICHLAND, WASHINGTON

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**

(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Juvencio Garcia

Case Number: 2:08CR02006-001

Name of Sentencing Judicial Officer: The Honorable Edward F. Shea

Date of Original Sentence: 5/20/1996

Type of Supervision: Supervised Release

Original Offense: Conspiracy to Distribute
Methamphetamine, Cocaine, and Marijuana, 21
U.S.C. §§ 841(a)(1) and 846

Date Supervision Commenced: 8/16/2007

Original Sentence: Prison - 160 Months; TSR - 60
Months

Date Supervision Expires: 8/15/2012

PETITIONING THE COURT

To modify the special conditions of supervision as follows:

- 7 You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.
- 8 You shall abstain from alcohol and shall submit to testing (including urinalysis and Breathalyzer), as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from this substance.

CAUSE

On February 4, 2008, Juvencio Garcia reported to the U.S. Probation Office and submitted a urine sample which tested presumptive positive for marijuana. The sample was subsequently tested by Kroll Laboratories which was confirmed to be negative. Although the sample was confirmed to be negative, Mr. Garcia admitted to consuming alcohol and using marijuana on February 1, and consuming alcohol on February 3, 2008. The defendant reviewed and signed an admission's form acknowledging his consumption of alcohol and use of marijuana.

Mr. Garcia resides with his family in Outlook, Washington, and recently secured employment as a meat cutter at Washington Beef in Toppenish, Washington. As a corrective measure, the defendant's urinalysis testing will be increased accordingly. Although the defendant already has a substance abuse testing condition in place, 9th Circuit case law requires the Court to specify a specific number of urine tests to be set. Enclosed is a waiver signed by the defendant agreeing to the above modification of his conditions of supervised release.

Prob 12B

Re: Garcia, Juvencio

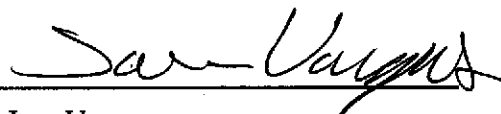
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I declare under penalty of perjury that the foregoing is true and correct.

Executed on:

2/19/08



Jose Vargas
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☐ The Extension of Supervision as Noted Above
- ☒ The Modification of Conditions as Noted Above
- ☐ Other



Signature of Judicial Officer

2/25/08

Date

United States District Court

Eastern District of Washington

Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision

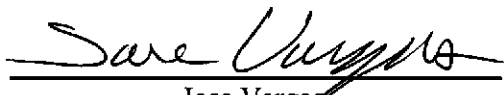
I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

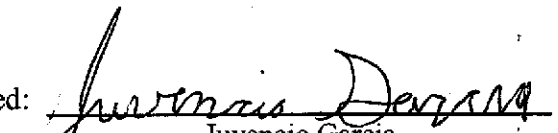
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- 8 You shall abstain from alcohol and shall submit to testing (including urinalysis and Breathalyzer), as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from this substance.

Witness:


Jose Vargas
U.S. Probation Officer

Signed:


Juvencio Garcia
Probationer or Supervised Releasee

February 19, 2008

Date